

## ENROLLED ORIGINAL

## A RESOLUTION

18-93

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Mr. Richard Gersten to the Board of Real Estate.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Estate Richard Gersten Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Richard Gersten  
3526 Edmunds Street, N.W.  
Washington, D.C. 20007  
(Ward 3)

as a real estate broker member of the Board of Real Estate, established by D.C. Official Code § 47-2853.06(h), replacing Constance Maffin, for a term to end February 13, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-94

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Ms. LaRuby May to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners LaRuby May Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. LaRuby May  
3216 11<sup>th</sup> Place, S.E.  
Washington, D.C. 20032  
(Ward 8)

as a public member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-95

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Mr. William Slover to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners William Slover Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. William Slover  
2844 Arizona Avenue, N.W.  
Washington, D.C. 20016  
(Ward 3)

as a public member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-96

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Mr. Anthony Wash to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Anthony Wash Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Anthony Wash  
603 48<sup>th</sup> Street, N.E.  
Washington, D.C. 20019  
(Ward 7)

as a public member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 12, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-97

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Mr. Derek Ford to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Board of Directors Derek Ford Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Derek Ford  
4508 B Street, S.E., Unit #8  
Washington, D.C. 20019  
(Ward 7)

as a member, with experience in finance, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), replacing Robert Cooper, for a term to end June 28, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-98

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the reappointment of Mr. Michael Wheet to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Board of Directors Michael Wheet Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Michael Wheet  
1615 Holly Street, N.W.  
Washington, D.C. 20012  
(Ward 4)

as a member, with experience in finance, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), for a term to end June 28, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-99

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To authorize provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$330 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist National Public Radio, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Public Radio, Inc., Revenue Bonds Project Approval Resolution of 2009".

## Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be National Public Radio, Inc., a nonprofit corporation exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

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(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(12) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's costs of:

(A)(i) The acquisition, construction, renovation, upgrading, build-out, equipping, and furnishing of a building located at 1111 North Capitol Street, N.E., Washington, D.C. 20003-1438 (Lot 837, Square 673); and

(ii) Equipment and furnishings located at 635 Massachusetts Avenue, N.W., Washington, D.C. 20001-3753 (Lots 21, 814, 815, 819, and 821 – 823, Square W484);

(B) The funding, if necessary or appropriate, of any capitalized interest;

(C) The funding, if necessary or appropriate, of any debt service reserve fund or other reserve fund;

(D) All or a portion of the Costs of Issuance; and

(E) Any necessary or appropriate bond insurance or other credit enhancement.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas



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designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$330 million and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of commercial development within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$330 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds and denominations of the bonds;

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(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

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## Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

## Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

## Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

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(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or

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as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the

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bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

**Sec. 15. Expiration.**

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

**Sec. 16. Severability.**

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

**Sec. 17. Compliance with public approval requirement.**

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

**Sec. 18. Transmittal.**

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

**Sec. 19. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

**Sec. 20. Effective date.**

This resolution shall take effect immediately.

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## A RESOLUTION

18-100

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$160 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Georgetown University in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgetown University Refunding Revenue Bonds Project Approval Resolution of 2009".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be Georgetown University, a nonprofit institution of higher education exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Currently refund the \$180,000,000 District of Columbia University Revenue Refunding Bonds (Georgetown University Issue) Series 1999A Select Auction Variable Rate Securities (SAVRS), which issue was used for:

(i) The refunding of District of Columbia Revenue Bonds (Georgetown University Issue) Series 1989A, which were issued:

(I) To finance a new student center, known as Leavey University Center, and a fiber optic telecommunications system and related equipment for Georgetown University Hospital, located at 3800 Reservoir Road, N.W., Washington, D.C. ("Hospital"); and

(II) To refund debt incurred to finance Yates Field House, a recreational and athletic facility;

(ii) The refunding of District of Columbia Revenue Bonds (Georgetown University Issue) Series 1990A, which were issued to finance:

(I) A 175-unit residential housing facility with underground parking, conference rooms, and related ancillary facilities at the University's law center, located at 600 New Jersey Avenue, N.W., Washington, D.C. ("Law Center"); and



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(II) A medical research facility of approximately 190,000 square feet used to conduct neurological, biomedical, molecular and other medical-related research located at 3800 Reservoir Road, N.W., Washington, D.C. ("Medical Facility");

(iii) The refunding of District of Columbia Revenue Bonds (Georgetown University Issue) Series 1990B, which were issued to finance:

(I) Expansion and renovation of existing residential facilities;

(II) Renovations and improvements to various graduate and undergraduate administrative, academic, and athletic facilities and buildings;

(III) Utility infrastructure projects;

(IV) Road and ground improvements; and

(V) Completion of the Law Center and Medical Facility;

and

(iv) The refunding of District of Columbia Revenue Bonds (Georgetown University Issue) Series 1992A-C, which were issued to finance:

(I) Construction a 46,000 square foot, 6-story addition to the Hospital and renovation of 16,300 square feet of existing space in the wing of the building abutting the addition;

(II) Renovation of approximately 12,000 square feet in the Hospital to provide for new dialysis, hemapheresis, continuous ambulatory peritoneal dialysis, and endoscopy suites;

(III) Infrastructure renovation of the Hospital, parking garage number 1, and the ground floor of the Gorman Building, located at 3800 Reservoir Road, N.W., Washington, D.C.; and

(IV) Acquisition of hospital patient care equipment;

(B) Provide necessary and appropriate working capital;

(C) Fund any appropriate or necessary reserves relating to the bonds; and

(D) Pay applicable issuance and credit enhancement costs, including those incurred in connection with certain termination payments required to terminate interest rate hedges associated with the refunded bonds.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any

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property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$160 million and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of higher education and contributes to the health, education and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$160 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

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- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;
  - (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
  - (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
  - (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
  - (8) The time and place of payment of the bonds;
  - (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
  - (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
  - (11) The terms and types of credit enhancement under which the bonds may be secured.
- (b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.
- (c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.
- (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.
- (e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.
- (f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

**Sec. 6. Sale of the bonds.**

- (a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

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(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

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approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

**Sec. 9. Authorized delegation of authority.**

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

**Sec. 10. Limited liability.**

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

**ENROLLED ORIGINAL****Sec. 11. District officials.**

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

**Sec. 12. Maintenance of documents.**

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

**Sec. 13. Information reporting.**

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

**Sec. 14. Disclaimer.**

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

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## Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

## Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

## Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

## Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

## Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

## Sec. 20. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

18-101

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$63 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Urban Institute in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Urban Institute Revenue Bonds Project Approval Resolution of 2009".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have sub-delegated, any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The Urban Institute, a Delaware corporation exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means the documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale,



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and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(8) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(10) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(11) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's cost of:

(A) Acquiring, constructing, renovating, furnishing, and equipping a new headquarters facility of the borrower, including floors 1, 2, 3, 4, and 5 of the building, improvements, and personal property, located at 1100 1<sup>st</sup> Street, N.E., Washington, D.C. (Lot 0840, Square 673);

(B) Certain Issuance Costs and capitalized interest with respect to the bonds;  
and

(C) Any credit enhancement, including any bond insurance, and funding of any required reserves.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of, undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$61 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education,

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safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District within the meaning of section 490 of the Home Rule Act.

(4) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$63 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

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(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

**Sec. 6. Sale of the bonds.**

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to

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be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

**Sec. 7. Payment and security.**

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

**Sec. 8. Financing and Closing Documents.**

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents, including those Financing Documents and Closing Documents to which the District is not a party.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

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## Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

## Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

## Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to

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hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the

**ENROLLED ORIGINAL**

bonds shall not be adversely affected.

**Sec. 17. Compliance with public approval requirement.**

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

**Sec. 18. Transmittal.**

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

**Sec. 19. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

**Sec. 20. Effective date.**

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-102

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A13 between the District of Columbia and Columbia Enterprises, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Columbia Enterprises, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A13 between the District of Columbia and Columbia Enterprises, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-103

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A20 between the District of Columbia and Specialty Construction Management, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Specialty Construction Management, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A20 between the District of Columbia and Specialty Construction Management, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-104

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A23 between the District of Columbia and Motir Services, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Motir Services, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A23 between the District of Columbia and Motir Services Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-105

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A09 between the District of Columbia and Monument Construction Corporation in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Monument Construction Corporation Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A09 between the District of Columbia and Monument Construction Corporation, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-106

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A19 between the District of Columbia and Century General Contractors, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Century General Contractors, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A19 between the District of Columbia and Century General Contractors, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-107

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A11 between the District of Columbia and Paige Industrial Services, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Paige Industrial Services, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A11 between the District of Columbia and Paige Industrial Services, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-108

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A14 between the District of Columbia and Environmental Design & Construction, LLC, in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Environmental Design & Construction, LLC Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A14 between the District of Columbia and Environmental Design & Construction, LLC, in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-109

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A16 between the District of Columbia and Prince Construction Company, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Prince Construction Company, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A16 between the District of Columbia and Prince Construction Company, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-110

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A21 between the District of Columbia and Consys, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Consys, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A21 between the District of Columbia and Consys, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-111

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A18 between the District of Columbia and Goel Services, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Goel Services, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A18 between the District of Columbia and Goel Services, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-112

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A10 between the District of Columbia and O'Donnell Construction Company in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with O'Donnell Construction Company Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A10 between the District of Columbia and O'Donnell Construction Company in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-113

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A12 between the District of Columbia and Dynamic Concepts, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Dynamic Concepts, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A12 between the District of Columbia and Dynamic Concepts, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-114

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A22 between the District of Columbia and Capitol Technology Services, Inc., in the amount of \$10 million for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Capitol Technology Services, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A22 between the District of Columbia and Capitol Technology Services, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-115

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To disapprove the proposed Contract No. DCAM-2009-D-0078-A17 between the District of Columbia and Rodgers Brothers Custodial Services, Inc., in the amount of \$10 million construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract with Rodgers Brothers Custodial Services, Inc. Disapproval Resolution of 2009".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2009-D-0078-A17 between the District of Columbia and Rodgers Brothers Custodial Services, Inc., in the amount of \$10 million to provide all labor, supervision, tools, materials, equipment, transportation, and management necessary to provide construction, repair, and renovation to District facilities.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-116

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to amend An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to grant the Board of Library Trustees the authority to procure goods and services independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 ("PPA"), except for provisions of the PPA pertaining to contract protests, appeals, and claims, and to make the independent procurement authority of the Board of Library Trustees contingent upon it issuing procurement regulations that have been approved by the Council; and to amend the PPA to exempt the Board of Library Trustees from the provisions of the act except for those provisions pertaining to contract protests, appeals, and claims.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DCPL Procurement Emergency Declaration Resolution of 2009".

Sec. 2. (a) An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia was amended in 2006 to allow for the District of Columbia Public Library ("DCPL") to have independent contracting and procurement authority.

(b) To date, DCPL has had great success in the implementation of this authority, resulting in streamlined service delivery and overall cost savings.

(c) The statute granting contracting and procurement authority had a sunset resulting in a lapse of authority. Therefore, there is an urgent need to extend the authority for budgetary and service delivery concerns.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the DCPL Procurement Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-117

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to amend the Children and Youth Initiative Establishment Act of 1999 to provide that grants by the Mayor in excess of \$1 million be approved by the Council, and that the Mayor submit quarterly status reports on these grants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Children and Youth Initiative Establishment Emergency Declaration Resolution of 2009".

Sec. 2. (a) Under provisions of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1551 *et seq.*), the Mayor is authorized to make grants to a single non-service provider, nonprofit organization for the purpose of providing services to District children, youth and their families, including for early childhood development opportunities, safe and enriching centers of learning in and out of school, training, and recreational and educational services.

(b) By Mayor's Order 2008-58, dated March 31, 2008, the Mayor delegated this authority to the Directors of the Child and Family Services Agency, the Department of Youth Rehabilitation Services, and the Department of Mental Health.

(c) On November 21, 2008, the Department of Youth Rehabilitation Services ("DYRS") entered into a grant agreement with the Children and Youth Investment Trust Corporation ("CYITC") to award \$6.9 million during fiscal years 2009 and 2010 to 2 community-based organizations to create Lead Entities to establish regionally-based service coalitions to provide services for DYRS.

(d) The agreement specifies that an additional \$14.3 million in grant funding will be awarded to the Lead Entities in years 2 through 5.

(e) The Council should have approval authority for grants in excess of \$1 million, in accordance with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), or by act.

**ENROLLED ORIGINAL**

(f) The award of millions of dollars in grants under the agreement between DYRS and CYITC is imminent and will be made in the absence of Council approval or reporting requirements unless Council approval and reporting requirements are expeditiously enacted into law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Children and Youth Initiative Establishment Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-118

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to order the closing of a public alley in Square 5872, bound by Lots 49-57, 134-135, and 958 and the elimination of building restriction lines along Sayles Place, S.E., in Square 5869, in Ward 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of an Alley in Square 5872, S.O. 07-2225, and Building Restriction Lines Elimination in Square 5859, S.O. 09-8150, Emergency Declaration Resolution of 2009".

Sec. 2. (a) The closing of a public alley and the elimination of building restriction lines is needed to facilitate the redevelopment of approximately 11.5 acres as a mixed-income housing development called "Sheridan Terrace."

(b) The project will be undertaken as a redevelopment project, under the Home VI Program, created pursuant to the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1993, approved October 6, 1992 (Pub. L. 103-389), by the District of Columbia Housing Authority and developer William C. Smith + Co. The project will bring quality housing for low-income residents in Ward 8, increase neighborhood stability by creating mixed-income homeownership opportunities, and promote increased economic capacity and self-sufficiency in the ward.

(c) Approval of the alley closing and building restriction lines elimination on an emergency basis will allow the construction of the proposed redevelopment to proceed expeditiously and ensure that the project progresses on schedule in accordance with Hope VI Program grant requirements. Proceeding forward with the redevelopment and obtaining permits for construction is dependent upon the Council's approval of the alley closing and elimination of the building restriction lines.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of an Alley in Square 5872, S.O. 07-2225, and Building Restriction Lines Elimination in Square 5869, S.O. 09-8150, Emergency Act of 2009, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-119

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to clarify the tax withholding treatment of lottery payments made in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Withholding of Tax on Lottery Winnings Emergency Declaration Resolution of 2009".

Sec. 2. (a) The winning ticket in the most recent Powerball drawing was purchased in the District of Columbia.

(b) Pursuant to the terms of the Powerball rules, the prize will be awarded either as a lump sum of \$79,681,116.60 or as an initial payment and 29-year annuity valued at \$143,983,777.70 to the entity holding the winning ticket through the District of Columbia Lottery and Charitable Games Control Board. Whether paid as a lump sum or as annuitized payments over several years, the tax on the amount constructively received is due to the District of Columbia unless the winning entity provides the payor with a statement that the income is not subject to District tax.

(c) Because the Powerball payment may be claimed at any time, emergency legislative action is needed to ensure that the interests of the District of Columbia will be protected by requiring that withholding of tax be effected at time of payment. The emergency legislation authorizes withholding on amounts of any lottery winnings to the same extent as provided in section 3402(q) of the Internal Revenue Code of 1986. The emergency legislation also provides for withholding of tax for income, franchise, or unincorporated business franchise tax, as applicable.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Withholding of Tax on Lottery Winnings Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-120

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to clarify the Mayor's authority to make a grant to the City Market at O Street project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "City Market at O Street Project Financing Clarification Emergency Declaration Resolution of 2009".

Sec. 2. Emergency circumstances.

(a) Based on the input of the Deputy Mayor for Planning and Economic Development, the underlying emergency legislation is needed to clarify the Mayor's authority to make a grant to the City Market at O Street project, located in Shaw, as envisioned under D.C. Law 17-278, the City Market at O Street Tax Increment Financing Act of 2008.

(b) Late last year, the Council passed D.C. Law 17-374, the Equitable Parking Meter Rates Temporary Amendment Act of 2009, which increased parking meter revenue and dedicated the use of that revenue to making a \$1 million grant to the O Street Market project, among other uses.

(c) According to the Deputy Mayor for Planning and Economic Development, a supplemental appropriation is not needed to utilize these funds and only a simple reprogramming of budget authority in Fiscal Year 2009 is required. The underlying emergency legislation makes the grant language consistent with the original purposes of the grant funds as contained in D.C. Law 17-374.

(d) To expedite the use of these funds in Fiscal Year 2009 for the grant for this very important project, this legislation is warranted.

(e) Expedited use of these funds for the project is necessary to fund and continue work on the predevelopment activities of the overall project. Failure to expedite the use of these funds will result in likely ramping down the predevelopment work on this project and further delay the groundbreaking and construction of the project.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the City Market at O Street Project Financing Clarification Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-121

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to amend the Washington Metropolitan Area Transit Authority ("WMATA") Compact, to clarify and amend sections of the Compact regarding Board Membership, Officers, and Payments, including amendments to clarify that the Administrator of General Services appoints the federal government representatives, to create an inspector general as an officer of the Washington Metropolitan Area Transit Authority, and to require that one of the federally appointed directors be a regular passenger and customer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "WMATA Compact Consistency Emergency Declaration Resolution of 2009".

Sec. 2. (a) Insufficient capital funding threatens to cripple regional rail and bus public transportation at a time of rapid growth in the number of riders.

(b) The United States Congress has passed legislation authorizing \$1.5 billion in federal matching grants to support WMATA capital investments over the next 10 years if certain requirements are met, including amendments to the WMATA Compact enumerated in the WMATA Compact Consistency Emergency Amendment Act of 2009.

(c) Maryland, Virginia, and the District of Columbia must pass identical Compact amendments to meet federal requirements.

(d) Maryland and Virginia have already passed identical laws that meet federal requirements.

(e) Immediate District action on this matter will increase the likelihood of federal appropriations in fiscal year 2010 to initiated dedicated funding for WMATA, including up to \$150 million per year in additional federal funds.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the WMATA Compact Consistency Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-122

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to close a portion of Anacostia Avenue between Foote Street, N.E., and Grant Place, N.E., abutting Square 5041, close a portion of Burnham Place, N.E., and Grant Place, N.E., between Kenilworth Terrace and Parkside Place, abutting Squares 5041 and 5056, and eliminate building restriction lines in Squares 5041 and 5056, bounded by Anacostia Avenue, N.E., Foote Street, N.E., Kenilworth Terrace, N.E., and Hayes Street, N.E., in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Kenilworth-Parkside Partial Street Closure, S.O. 07-1213, S.O. 07-1214, and Building Restriction Line Elimination, S.O. 07-1212, Emergency Declaration Resolution of 2009".

Sec. 2. (a) The proposed legislation is necessary to permit partial street closures and building restriction line eliminations to facilitate the mixed-use development of a 15.5-acre site located within the Parkside/Mayfair/Kenilworth neighborhood.

(b) The development will consist of 1,500-2,000 residential units, comprising apartments, senior housing, lofts, townhouses, and flats, including affordable housing set-asides; 500,000-750,000 square feet of office space in 2 buildings along Kenilworth Avenue; 30,000-50,000 square feet of retail space; and a one-acre central community open space.

(c) The applicant is also joining the District government in funding a pedestrian bridge that would cross Interstate 295 to connect the project and the Anacostia Waterfront with the Minnesota Avenue Metrorail station.

(d) Approval of emergency legislation will allow the proposed development to proceed in completing the remaining steps necessary for groundbreaking and construction to commence before the end of the year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Kenilworth-Parkside Partial Street Closure, S.O. 07-1213, S.O. 07-1214, and Building Restriction Line Elimination, S.O. 07-1212, Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-123

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to require the Mayor to submit to the Council a comprehensive analysis of proposed child day care services to be offered by the city via third party vendors prior to issuing a request for offers by the District, and that all current day care services remain open until September 30, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Day Care Facility Emergency Declaration Resolution of 2009".

Sec. 2. (a) Due to the Office of Property Management issuing a request for offers on April 24, 2009 for third party vendors to use Department of Parks and Recreation ("Department") facilities for child development services, there exists an immediate need to enact legislation requiring the Mayor to submit a plan detailing an impact analysis of proposed child day care services to be offered by the city via third party vendors.

(b) Due to the closure of Department services for special needs children at Sharpe and Mamie D. Lee schools, it is imperative that a detailed report on the status and future of services for special needs and developmental care be received prior to any future action by the Office of Property Management with regards to child care facilities within the Department.

(c) To ensure some sense of stability in our city's day care services, there exists an immediate need to mandate that all day care services that are proposed to be removed from the Department of Parks and Recreation in fiscal year 2010 shall remain open until September 30, 2009.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Day Care Facility Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-124

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to approve a contract to enable the District to continue to receive natural gas supply services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-2007-C-2103 Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to approve Modification No. 3 to Contract No. DCAM-2007-C-2103 with PEPCO Energy Services, Inc., to provide the District with natural gas supply services.

(b) The Council previously approved this contract for a 3-year base term on June 5, 2007 in the amount of \$25,364,000.

(c) Modification No. 3 will increase the amount for the base term of Contract No. DCAM-2007-C-2103 to \$62,128,434.88.

(d) To continue to receive natural gas supply services, Council approval of the emergency approval resolution is required.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-2007-C-2103 Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-125

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To approve, on an emergency basis, multiyear Contract No. DCAM-2007-C-2103 with PEPCO Energy Services, Inc., to provide the District with natural gas supply services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-2007-C-2103 Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council of the District of Columbia approves Contract No. DCAM-2007-C-2103, a multiyear agreement with PEPCO Energy Services, Inc., in the amount of \$62,128,434.88, to provide natural gas supply services to the District.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-126

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to approve a contract to allow the District to continue to receive citywide security and related services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POAM-2004-D-0015-DW Modifications Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve Modification No. 20 and Proposed Modification No. 21 to Contract No. POAM-2004-D-0015-DW with Hawk One Security, Inc. ("Hawk"), to provide citywide security and related services and to authorize payment for the services received and to be received under that contract.

(b) By Modification No. 17, dated March 16, 2008, the Office of Contracting and Procurement ("OCP"), on behalf of the Office of Property Management, exercised option year 3 of Contract No. POAM-2004-D-0015-DW to Hawk from May 16, 2008 to May 15, 2009 in the amount of \$22,071,920.43.

(c) By Modification No. 20, dated April 1, 2009, OCP approved additional services in the amount of \$999,999.

(d) Modification No. 21 is now necessary to approve an increase in cost for the services in the amount of \$2.5 million.

(e) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Hawk cannot be paid for services provided in excess of \$23,071,920.42 in this option year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POAM-2004-D-0015-DW Modifications Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-127

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to confirm the reappointment of Mr. Buwa Binitie to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Board of Directors Buwa Binitie Confirmation Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to confirm the reappointment of Mr. Buwa Binitie to the District of Columbia Housing Finance Agency Board of Directors.

(b) It is vitally important that the Council consider Mr. Binitie's confirmation immediately because the Board does not currently have a sufficient number of members to constitute a quorum. Although the Mayor has formally transmitted Mr. Binitie's nomination to the Council, because the measure did not meet the 15-day notice requirement of Council Rule 422, the Council needs to take emergency action.

(c) Mr. Binitie will be a valuable asset to the District of Columbia Housing Finance Agency Board of Directors.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Finance Agency Board of Directions Buwa Binitie Emergency Confirmation Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-128

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm, on an emergency basis, the reappointment of Mr. Buwa Binitie to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Board of Directors Buwa Binitie Emergency Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Buwa Binitie  
72 V Street, N.W.  
Washington, D.C. 20001  
(Ward 5)

as a member, with experience in planning, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), for a term to end June 28, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-129

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency with respect to the need to confirm the reappointment of Mr. Jacque D. Patterson to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Board of Directors Jacque D. Patterson Confirmation Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to confirm the reappointment of Mr. Jacque D, Patterson to the District of Columbia Housing Finance Agency Board of Directors.

(b) It is vitally important that the Council consider Mr. Patterson's confirmation immediately because the Board does not currently have a sufficient number of members to constitute a quorum. Although the Mayor has formally transmitted Mr. Patterson's nomination to the Council, because the measure did not meet the 15-day notice requirement of Council Rule 422, the Council needs to take emergency action.

(c) Mr. Patterson will be a valuable asset to the District of Columbia Housing Finance Agency Board of Directors.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Finance Agency Board of Directions Jacque D. Patterson Emergency Confirmation Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-130

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm, on an emergency basis, the reappointment of Mr. Jacque D. Patterson to the District of Columbia Housing Finance Agency Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Board of Directors Jacque D. Patterson Emergency Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Jacque D. Patterson  
3521 21<sup>st</sup> Street, S.E.  
Washington, D.C. 20020  
(Ward 8)

as a member, representing community interests, of the District of Columbia Housing Finance Agency Board of Directors, established by section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2702.02), for a term to end June 28, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-131

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Ms. Hilary Cairns to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Employee Appeals Hilary Cairns Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Hilary Cairns  
1209 D Street, N.E.  
Washington, D.C. 20002  
(Ward 6)

as a member of the Office of Employee Appeals, established by section 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-606.01), for a term to end April 6, 2013.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-132

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To confirm the appointment of Mr. Clarence Labor, Jr., to the Office of Employee Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Employee Appeals Clarence Labor, Jr., Confirmation Resolution of 2009".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Clarence Labor, Jr.  
2012 1st Street, N.W.  
Washington, D.C. 20001  
(Ward 5)

as a member of the Office of Employee Appeals, established by section 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-606.01), for a term to end April 6, 2012.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-133

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to permit the inspection of records pertaining to youth in the custody of the Department of Youth Rehabilitation Services by the Chairman of the Committee on Human Services, or his designee, when necessary for the discharge of his duties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Records Access Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) Under provisions of section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D. C. Official Code §2-1515.06)) ("Act"), records pertaining to youth in the custody of the Department of Youth Rehabilitation Services ("DYRS") are privileged and confidential and may only be released pursuant to §16-2332 of the District of Columbia Official Code.

(b) As these provisions have been interpreted by the Executive, DYRS has not been permitted to provide information to Councilmembers regarding youth committed to its custody and care, even in response to inquiries regarding allegations of misconduct and wrongdoing on the part of DYRS.

(c) The Committee on Human Services is currently conducting oversight of DYRS programs, policies, and placement decisions directly affecting youth committed to its custody and care.

(d) Access to records and information pertaining to youth in the custody of DYRS, which is under the jurisdiction of the Committee on Human Services, is necessary for the Committee to conduct its oversight activities.

(e) Emergency legislation amending section 106 of the Act to provide the Chairman of the Committee on Human Services, or his designee, access to these records was enacted by the Council, effective on February 24, 2009, and will expire on May 25, 2009.

(f) Temporary legislation enacted by the Council is currently pending Congressional review and is projected to be effective on June 2, 2009.



**ENROLLED ORIGINAL**

(g) Emergency legislation is necessary to keep the provisions of the emergency legislation in effect during the period between May 25, 2009, and the date the temporary legislation becomes effective.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Records Access Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.